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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09,543,653	04/05/2000	Tetsuya Kawamoto	8041.093US0	6925

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EXAMINER

EASTHOM, KARL D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/543,653

Applicant(s)

KAWAMOTO ET AL.

Examiner

Karl D Easthom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,6,21 and 23-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,6,21 and 23-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 31.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 6, 21, 23-25, and 29-33 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no description for a semicircular exposed kinked part, only one that is "nearly" a semicircle. There is no description for a perfect semicircle.

3. The following is a quotation of the appropriate paragraph of 35 U.S.C. 102(b) which forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was known by others in this country, or described in a printed publication, or in public use, or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 21, 26, 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by McOrlly. McOrlly discloses the claimed invention at Figs. 2-3 with sensing element 12, electrodes the upper part of pin 16, 116, and lead lines 132 in combination with the lower part of 116. With respect to claims 1, 21, and 29-30, the kinked parts 32, 132, are "bent in the same direction with respect to each other to form said kinked part", but then are attached in different directions.

5. Claims 21 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Grimm et al. Grimm discloses the claimed invention at Fig. 1 with sensing element 12, electrodes 9, cover 3 and lead lines 13 seen partly covered by cover having parts 11, 2 at Fig. 1. The bend is

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exposed from cover part 2 and to the right in 13 at the top of Fig. 1, and is "nearly" semi-circularly formed where it is a quarter circle and the term "approximately" is one of degree. (This assumes there is no written description for a perfect semicircle as noted above).

6. Claims 1, 21, 26, and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Katsuki (JP 3-209704). Katsuki discloses the claimed invention at Fig. 1a with sensing element 11, electrodes 12, and lead lines 13 having externally exposed semicircular kinked parts proximal to the ends bent in the same direction with respect to each other. For example the bottom most bend and the first bend on the top are each bent to the right and downward. In claim 28, one sees the cover 14 extending over parts of the lead lines 13 at the ends, as noted in the abstract. In claims 26 and 29, there are two collinear portions in Fig. 1b. with two of the bends to the right, or to the left. The kinked parts are sandwiched between two collinear parts, even though the same bend is a kink in it. (Like a sandwich having a tomato and baloney). Likewise, the two parts are "side by side" even though a resistor is in-between, where there is no disclosure for the term, and the term does not appear in two dictionaries consulted by the examiner.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6, 23-24, 27, and 31-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuki (JP 3-209704), or Grimm et al., or McOrlly, as applied to claims

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above, and further in view of Clem. The noted art discloses the claimed invention except the material of the leads. Clem discloses the material as noted above for lead attachment to a thermistor, and it would have been obvious to employ the well known material for good lead attachment where thermistors are employed.

9. Claims 8, 25, and 33 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuki (JP 3-209704), or Grimm et al., or McOrlly, as applied to claims above, and further in view of Wisnia. The claimed invention is disclosed as noted above except for the NTC thermistor. Wisnia discloses thermistors having NTC properties for temperature sensing, and it would have been obvious to employ any of the two only possible types of sensors where Katsuki and Grimm disclose thermistor sensors generically for sensing temperature.

10. Applicant's arguments filed 6/9/03 have been considered but are persuasive only in part, or moot. The arguments concerning the 112 rejections are persuasive and hereby removed. As to Grimm, applicant argues that only one lead line, this line is not a line. See Fig. 2, with electrodes 9,10, necessarily attached to "line" 15. see col. 2, lines 29-34. Applicant argues that a quarter circle is in not a matter of degree with respect to a semicircle. Perhaps this is true, but applicant discloses only "nearly" a semicircle, as noted above. As to Katsuki, the "side by side" relationship is discussed above. Basically, two buildings can be side by side with shrubs or a swimming pool in-between for example. Similarly, the kinked parts can be side by side with a resistor in-between. They are very close together. There is also no definition or disclosure for the term to base any distinction.

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11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Easthom whose telephone number is 703 308-3306. The examiner can normally be reached on M-Th, 5:30AM-4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 703 308-7619. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-7722 for regular communications and 703 308-7722 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0956.



KARL D. EASTHOM
PRIMARY EXAMINER